

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

UNITED STATES OF AMERICA

v.

**BABATUNDE PEDRO
CHIEMEKA IHEBOM
KAYODE ADEGOKE
ALMAROOF YUSUF
RAHEEM YUSUF
RODRIGUE PAYEN**

1:14-cr-00050-01-06-PB

**ASSENTED-TO MOTION TO DISMISS SUPERSEDING INDICTMENT,
WITHOUT PREJUDICE, PURSUANT TO Fed. R. Crim. P. 48(a)**

The United States of America, by John P. Kacavas, United States Attorney for the District of New Hampshire, pursuant to Federal Rule of Criminal Procedure 48(a), hereby seeks leave of Court to dismiss, without prejudice, the now pending Superseding Indictment.

Counsel for Mr. Adegoke has filed Motions to Sever (Docket ## 72 & 73), alleging that as a result of certain Crawford and Bruton issues, statements of non-testifying co-defendants should not be allowed at a joint trial. Although the law in the First Circuit does not appear to support all of the positions taken by Mr. Adegoke, to minimize pre-trial litigation and potential appellate issues, the government intends to dismiss the pending charges, address the issues raised in the Motions to Sever, and then re-present charges in this case to the Grand Jury within a matter of weeks.

The dismissal should be without prejudice. See e.g. Parr v. United States, 351 U.S. 513, 76 S.Ct. 912, 100 L. Ed. 1377 (1956); United States v. Moller-Butcher, 723 F.3d 189, 190-91 (1st Cir. 1983).

All counsel of record assent to this Motion.

WHEREFORE, pursuant to Fed. R. Crim. P. 48(a), the government requests leave of Court to dismiss, without prejudice, the Superseding Indictment.

September 25, 2014

Respectfully submitted,

John P. Kacavas
United States Attorney

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CERTIFICATE OF SERVICE & ASSENT

I certify that a copy of this Motion to Dismiss is being served upon all counsel of record via ECF filing notice this date, September 25, 2014 and that all counsel assent.

/s/ Arnold H. Huftalen
Assistant U.S. Attorney